



BOARD OF PUBLIC WORKS & SAFETY OCTOBER 7, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 8:32 a.m.

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| PRESENT: | Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni. |
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Mr. Beville moved to approve the minutes of September 23rd, with second by Mr. Hoover. Vote: Ayes.

Mike Simon of Republic Development, LLC came forward to request release of a land alteration permit for South Lake, Section 2 and for Bainbridge, Section 1, prior to the Eastside Interceptor 2A and 2B being completed and accepted by the Board. Mr. Hoover moved to authorize the Plan Commission to release the land alteration permits as described, subject to the developer executing a hold harmless and indemnification agreement releasing the City from liability as has been done in the past, making it clear that no connections would be permitted or building permits issued until the Eastside Interceptor is completed. Second by Mr. Beville. Vote: Ayes.

Paul Claire of C.P. Morgan came forward for Timber Valley, Section 1 to request acceptance of plat over easements and dedication of public right-of-way for the west side of CR 125, for which they plan a full-width widening. Mr. Peoni indicated that there are three sanitary sewer off-site plat over easements and one right-of-way grant. The Director of Engineering wants some minor points clarified on the right-of-way grant. Mr. Hoover moved, with respect to Timber Valley, Section 1, to accept the plat over easements and accept the dedication of right-of-way, subject to final review and approval of the Engineering Department. Second by Mr. Beville. Vote: Ayes.

For Timber Valley, Section 2, there was also a request to accept plat over easements. Mr. Hoover moved to accept the two sanitary sewer plat over easements for Timber Valley, Section 2. Second by Mr. Beville. Vote: Ayes.

Steve Williams of Franklin Engineering represented Wilderness Development (Bob Lane) for Olive Branch Parke to request authorization for a sanitary sewer service agreement. This is a 20-acre commercial development at the northwest corner of Olive Branch Road and State Road 135. Mr. Hoover moved to direct staff to prepare a sanitary sewer service agreement for Olive Branch Parke and authorize the Mayor to sign. Second by Mr. Beville. Vote: Ayes.

Ken Zumstein of Greg Allen Associates, on behalf of Riverwood Market Place, Section One, asked for acknowledgment of completion of private improvements for erosion control, dirtwork and storm sewers and release of a performance bond for erosion control. Mr. Peoni confirmed that the dirtwork and storm sewers were installed last year but the erosion control was not established in the field. Mr. Hoover, per Mr. Peoni's memo of October 7th, moved to:

- 1) Acknowledge that the private improvement of erosion control has been installed in reasonable compliance with the design plans at Riverwood Marketplace, Section One.
- 2) Release performance bond #400SF2468 in the amount of \$46,363 from USF & G for the installation of the erosion control at Riverwood Marketplace, Section One.

Second by Mr. Beville. Vote: Ayes.

For Pinehurst, Section One, Mr. Zumstein asked for acceptance of sanitary sewers, execution of plat over sanitary sewer easement and acceptance of the maintenance bond for the sanitary sewers. He told the Board he had given Mr. Peoni a check for the balance of the Inspection & Testing fees. Mr. Beville, per Mr. Peoni's memo of October 7th, moved to:

- 1) Accept the sanitary sewers at Pinehurst Subdivision, Section One.

- 2) Accept three (3) year maintenance bond #5013388 from Bond Safeguard Insurance Company in the amount of \$43,870 for the sanitary sewers at Pinehurst Subdivision, Section One.
- 3) Execute plat over sanitary sewer easement for the sanitary sewers in Pinehurst, Section One, all subject to:
 - a) Review and approval of the bond form by the Law Department.
 - b) Minor revisions to the plat over easement per the Engineering Department review.
 - c) Execution of the plat over easement by the developer.
 - d) Verification that the balance of the Inspection & Testing fees paid by Pinehurst is correct.

Second by Mr. Hoover. Vote: Ayes.

Max Cooper of Projects Plus represented University Park Section 2 to request acceptance of plat over easements. Mr. Peoni clarified that there are two drainage easements and one sanitary sewer/drainage easement. The Burgett/ Plummer family has executed the easements. Referring to the signature page, Mr. Peoni told the Board that the owners are Nancy D. Burgett and Doris F. Plummer and the document was signed by James Plummer, who indicated a Power of Attorney. The City Attorney wants an original Power of Attorney in the file. Mr. Hoover moved to accept the three plat over easements for University Park, Section 2, subject to the City Attorney's approval of the Power of Attorney form. Second by Mr. Beville. Vote: Ayes.

For Trotter's Pointe, Mr. Cooper asked for acceptance of the Dedication of Public Right-of-Way. This project is at the northwest corner of Combs Road and Main Street. As part of this project, they are to rebuild Combs Road almost to the 90-degree turn. Rocklane Properties, owners of land on the east side of Combs Road, is dedicating the right-of-way so that Trotter's Pointe can construct the road improvements. Mr. Peoni told the Board there are a few minor changes he would like on the exhibits and he would like to have the original exhibits. Mr. Hoover moved to accept the Dedication of Public Right-of-Way for Trotter's Pointe, subject to Engineering Department's final review and approval of the documents. Second by Mr. Beville. Vote: Ayes.

Paul Maurer of Maurer & Smithers came forward for Kensington Grove, Sections 3 and 4, to ask for approval of the construction plans, authorization for a Sanitary Sewer Agreement and acceptance of the Inspection & Testing Agreement. These two sections will finish out the subdivision. Mr. Peoni indicated that the Inspection & Testing Agreements were in order and we have received the 50% fee. An approval letter from the outside consultant should be a condition of approving the construction plans, he added. Mr. Hoover moved, with respect to Kensington Grove, Sections 3 & 4, to accept the Inspection & Testing Agreements, ratify the receipt of the fees, direct staff to begin preparation of Sanitary Sewer Agreements, authorize the Mayor to sign, and accept the construction plans, subject to final review and approval of the outside engineer and our Engineering Department. Second by Mr. Beville. Vote: Ayes.

Kevin McGinnis of Denison Properties represented Wakefield Commercial Subdivision to request acceptance of a portion of the sanitary sewer line and a manhole installed for Wakefield Commercial so that Sugar Grove Animal Hospital may have single parcel sanitary use. He also requested acceptance of a maintenance bond. This is just north of Smith Valley Road on Morgantown Road. The section of sewer they would like to dedicate for single use is approximately 163' and a manhole as well. Mr. Peoni commented that the documents name Sugar Grove Animal Hospital instead of Wakefield Commercial Subdivision. Other people will be flowing through this line, he said, but probably not tapping into this segment. A notation can be added, said Ms. Koons-Davis. Mr. Peoni also needs the page where the engineer signs off on the Owner's Certification. Mr. McGinnis said he had assumed it was the reviewing engineer who signed, but he found he was wrong, and will get that page to Mr. Peoni. There is also a balance due on Inspection & Testing fees. There were also a few minor changes needed on the as-builts, said Mr. Peoni. The form and amount of the bond are correct. Mr. Hoover moved to accept the portion of the sanitary sewer line for the Wakefield Commercial Subdivision for Sugar Grove Animal Hospital use, subject to receipt of the complete Owner's Certification acceptable to the Engineering Department, payment of the balance due for the Inspection & Testing fees and final review and approval of the Engineering Department, and accept the maintenance bond in the form presented. Second by Mr. Beville. Vote: Ayes.

Code Enforcement Officer John Myers was next to report that the violations at 102 Greenwood Street and 436 Yorktown Road have been abated. He asked for a continuance on the violation at 555 Northgate until the next meeting to find a more current mortgage company. Mr. Hoover moved to continue the

discussion of a nuisance violation at 555 Northgate until October 21st. Second by Mr. Beville. Vote: Ayes.

Regarding 978 Spring Meadow, Mr. Myers reported that a complaint was received on September 13th from Julie Sanderson of 980 Spring Meadow Drive. The location of the complaint is a vacant house with high grass. The owners are Bruce & Lora Burger of 1315 Freemont Lane. Mr. Myers sent certified letters to the owners and the mortgage company. Mr. Burger faxed a copy of a quit claim deed on October 5th to Prudential Funding. Mr. Myers made an inspection yesterday; the violation still exists. Mr. Hoover moved to find that a nuisance exists at 978 Spring Meadow Drive because of the high grass and weeds, to direct the City Attorney to issue the standard abatement letter for compliance within seven days, and failing that to take all steps she deems appropriate to remedy the situation and charge all costs against the property owner. Second by Mr. Beville. Vote: Ayes.

From the audience Richard Henderson of Arbor Homes came forward for Village Pines of Greenwood, Section 3B to ask for acceptance of the performance bonds and execution of the plat. He told the Board that the improvements are in place, but they are not requesting acceptance of the improvements at this time. Mr. Peoni said there were minor changes on the plat and he does not have pages 2 and 3 of the four pages. Mr. Hoover, per Mr. Peoni's memo, moved to:

- 1) Accept performance bond #5013363 from Bond Safeguard Insurance Company in the amount of \$72,803 for the installation of the sanitary sewers at the Village Pines of Greenwood, Section 3B.
- 2) Accept performance bond #5013364 from Bond Safeguard Insurance Company in the amount of \$81,906 for the installation of the dirtwork and storm sewers at the Village Pines of Greenwood, Section 3B.
- 3) Accept performance bond #5013365 from Bond Safeguard Insurance Company in the amount of \$7,333 for the installation of the asphalt surface at the Village Pines of Greenwood, Section 3B.
- 4) Accept performance bond #5013369 from Bond Safeguard Insurance Company in the amount of \$18,898 for the installation of the concrete curbs at the Village Pines of Greenwood, Section 3B.
- 5) Accept performance bond #5013384 from Bond Safeguard Insurance Company in the amount of \$52,205 for the installation of the stone sub base, asphalt base and asphalt binder at the Village Pines of Greenwood, Section 3B.
- 6) Accept performance bond #5013366 from Bond Safeguard Insurance Company in the amount of \$20,631 for the installation of the sidewalks at the Village Pines of Greenwood, Section 3B.
- 7) Accept performance bond #5013367 from Bond Safeguard Insurance Company in the amount of \$646 for the installation of the signs & monuments at the Village Pines of Greenwood, Section 3B.
- 8) Accept performance bond #5013368 from Bond Safeguard Insurance Company in the amount of \$28,091 for the installation of the erosion control at the Village Pines of Greenwood, Section 3B.
- 9) Execute the plat, all contingent upon:
 - a) Review and approval of the plat by both the Engineering and Planning departments.
 - b) Review and approval of the bond form by the Law Department.
 - c) Payment of the 1/3 SAF fee, if necessary.

Second by Mr. Beville. Vote: Ayes.

On his Status of Tasks, regarding Texas Roadhouse, Mr. Peoni recalled that a few months ago Menard's had asked for acceptance of all their improvements and at that time, due to issues with a portion of the sanitary sewer, a maintenance agreement was required and has been put together for a five-year period, and a performance bond was required for five years for that portion of the sanitary sewer. Staff has yet to receive the original performance bond but understands it will come shortly. Counsel confirmed that it should arrive by Monday. Menard's had made out a check to the wrong town for the upfront maintenance costs, which caused delay. Mr. Beville moved to approve the concept of the Planning Department releasing a certificate of occupancy for Texas Roadhouse, with the receipt of the maintenance fee and the performance bond to be ratified at the next meeting. Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni next discussed a project Precedent was planning to do in 2001 at Precedent South Business Center, Section One, Block 3, Lot 3A. They have decided not to move forward with the project and are voluntarily relinquishing any land alteration permits that were issued for the project. In addition, the developer requests the release of the performance bonds previously posted and accepted. Site plan

approval was in 2001 and has expired after two years. Staff will still request that Precedent change the wording in the request from “not intending to move forward” to “shall not move forward”. Mr. Beville, per Mr. Peoni’s memo, moved to:

- 1) Release performance bond #400SK6339 from USF&G in the amount of \$2,454.38 for the installation of the asphalt surface only at Precedent South Business Center, Section One, Block 3, Lot 3A.
- 2) Release performance bond #400SK6340 from USF&G in the amount of \$906.40 for the installation of the signs & monuments at Precedent South Business Center, Section One, Block 3, Lot 3A.
- 3) Release performance bond #400SK6341 from USF&G in the amount of \$9,740.50 for the installation of the sidewalks at Precedent South Business Center, Section One, Block 3, Lot 3A.
- 4) Release performance bond #400SK6342 from USF&G in the amount of \$25,484.25 for the installation of the stone base, asphalt base, asphalt binder (streets) at Precedent South Business Center, Section One, Block 3, Lot 3A.
- 5) Release performance bond #400SK6343 from USF&G in the amount of \$21,580.24 for the installation of the erosion control at Precedent South Business Center, Section One, Block 3, Lot 3A.
- 6) Release performance bond #400SK6344 from USF&G in the amount of \$248,576.08 for the installation of the dirtwork and storm sewers at Precedent South Business Center, Section One, Block 3, Lot 3A.
- 7) Release performance bond #400SK6345 from USF&G in the amount of \$3,476 for the installation of the concrete curbs at Precedent South Business Center, Section One, Block 3, Lot 3A, all subject to:
 - a) The developer changing the wording in the request from “not intending to move forward” to “shall not move forward”.

Second by Mr. Hoover. Vote: Ayes.

Mr. Beville moved to approve the claims as presented through October 7th. Second by Mr. Hoover. Vote: Ayes.

Ms. Koons-Davis introduced Robert Scott of Quinn, Moses, Scott & Grahn, LLP, who had sent a pleading regarding Johnson Western Utilities. They were involved in their certificate of territorial authority proceedings in the year 2000. They entered into a four-way settlement agreement with the petitioner, the Office of the Utility Consumer Counselor, the Town of Bargersville, and the City of Greenwood. Mr. Scott discussed the details of the order. Just prior to the three year period passing, the petitioner filed a request for a one-year extension, because they had not yet met those conditions. That one year has now passed, and the petitioner recently filed another petition verifying to the IURC that they have commenced discussion with Aqua Indiana on a possible acquisition of their CTA rights and have requested a two-year extension under the conditions of that CTA. One of the conditions of that grant was that for a period of seven years subsequent to their commencement of service they would be prohibited from expanding their CTA boundaries. The Office of the Utility Consumer Counselor notified Mr. Scott that they will likely oppose this and wanted to know Greenwood’s position. This led to lengthy discussion during which Mayor Henderson commented that he thought Greenwood should support the State’s position. Mr. Hoover moved to direct Mr. Scott to indicate Greenwood’s continued commitment to the area, our opposition to the request for a two-year extension and our support of the original conditions, which have not been met. Second by Mr. Beville. Vote: Ayes.

With no further business, the meeting adjourned at 9:40 a.m.